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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

THOMPSON, MARC D

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 07/19/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,066

Applicant(s)

AMIN ET AL.

Examiner

Marc D. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This application has been reassigned to a new Examiner. See Conclusion section below, for new Examiner contact information.
2. Amendment C, Paper #12, received 4/5/2004, has been entered into record.
3. It is noted that Amendment B, Paper #10, received 3/9/2004, has NOT been entered into record due to deficiencies held by the Legal Instruments Examiner in Paper #11. It is presumed that the arguments set forth in this response constitute a bona-fide attempt to respond to the non-final action set forth on 12/5/2003, Paper #9, and will be treated as though these response(s) are incorporated into the most recent, proper response, Amendment C, Paper #12.
4. Claims 1-4, and 6-78 are now pending.

Priority

5. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120/121. No claim for priority to a particular document is made in the first line of the specification as required by 35 USC §120.
6. Clarification is required to determine any proper priority claim(s) and all granted priority status under the proper section of the appropriate statute(s).
7. Presuming the claim to priority is proper, and the scope of the specifications are equally commensurate, the effective filing date for the subject matter defined in the pending claims in this application is 11/5/1999. Otherwise, the pending claims are entitled to the filing date of 7/24/2000.

Specification

8. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120/121. No claim for priority to a particular document is made in the first line of the specification as required by 35 USC §120.

9. The abstract of the disclosure is objected to because it fails to describe a specific type of apparatus, nor any particular steps of any arbitrary function. In short, the abstract fails to set forth a specific description of the outline of an invention. The abstract recites no actual functional process(es), no qualification of the logical “layers” assumedly relating to functional segments of computer programmatic information, nor how these “layers” fit together to provide a working system or functional process.

10. Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative. The abstract should not refer to purported merits or speculative applications of the invention and

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should not compare the invention with the prior art. Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Correction is required. See MPEP § 608.01(b).

Drawings

11. The Examiner contends that the drawings submitted on 7/24/2000 are acceptable for examination proceedings.

Double Patenting

12. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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13. Claims 1-4, and 6-78 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of Amin et al. (U.S. Patent No. 6,714,987).

14. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between the patented claims and the presented claims consist only for the provision for distributing a service session management functions among a plurality of components within an IP centric distributed network. The differences between the claimed inventions are minimal, and constitute an obvious-type variation of each other, since modular functionality of network components in a distributed fashion has been widely implemented in the networking arts for many decades and service session management functions were well known in the art at the time of invention. The modification of a small portion of a network service repertoire does not require overhauling the entire network architecture. This modular treatment of network services, including accounting, monitoring, management, performance evaluation, etc., and the distribution of these services to differing, arbitrary locations of a network do not constitute patentable differences. See, inter alia, MPEP § 2144.04.

Claim Rejections - 35 USC § 101

15. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

16. Claims 46-78 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

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17. Claim 46 and 76 recites a mere laundry list of logically defined components, themselves attempting to describe various logically defined “function layers”, which are not expressly defined, no expressly described functionality is defined, the module(s) do not expressly interact in any given way with one another within this logical “layer”, the module(s) do not interact with module(s) from other “layers”, there is a lacking of an express recitation of any “layer” interaction, the layer(s)/module(s) are not expressly recited as interconnected in any fashion, and there is clear failure to recite any given function, a defined methodology, or any specific operating details of any one/all arbitrary module or layer, even if the logically labeled limitations is assumed present in the technology or prior art. In short, these claims do not DO anything, since, minimally, no expressly recite functionality is present.

18. The remainder of the rejected claims inherit the above deficiencies.

Claim Rejections - 35 USC § 112

19. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

20. Claims 1-4, and 6-78 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

21. The specification fails to provide sufficient enabling disclosure to enable one skilled in the art at the time of invention to make and use the invention as claimed. The purely modular

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functional nature of the described/claimed invention fails to provide enough detail to properly determine the actual functionality of all of the disclosed/claimed functional programmatic “servers” logically grouped into “layers”, which in an undisclosed fashion, alleges functional operation which would only be achieved by a skilled artisan being forced to resort to undue experimentation in order to make and use the invention as currently claimed and described. For instance, the extent/description of the functionality of each and every logically labeled “server” and any/all interconnectivity of the servers within each “layer”, further interaction between modules residing in varying “layers”, and interaction of the logical “layers” in order to result in a working system which was capable of utilizing all the named functional modular servers with the assumed interaction would take years and years for the skilled artisan to actually weave together into a working IP centric communicative environment. The interaction of the elements and the “tying” together of all the modular system elements are not described in sufficient detail to enable one skilled in the art to construct the invention as claimed, nor does the specification enable one skilled in the art to mediate the entirety of the described modular servers of the system and provide all these services to an arbitrary client, with or without specific attention being attributed to the wireless nature of the invention as described in the specification.

22. In short, one skilled in the art would not be readily appraised of how to construct a working system which would result in an IP centric networking environment having the variety of services available on the network as claimed, how any/all of these services actually perform together/independently and the functions each of them provide, nor the provision for a framework which describes or utilizes these functional modular elements in such a way to enable

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one skilled in the art to make and use the invention as claimed, additionally without resorting to undue experimentation to make and use the invention as disclosed and claimed.

23. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

24. Claims 1-4, and 6-78 are rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

25. All the claims have been modified to include the limitation reciting that the "...access management layer is access technology independent and the access interface layer is access technology dependent." The breadth of this additional limitation and the use of the terms and words within renders these claims indefinite for the inability to properly ascertain the scope of what is attempting to be described. There are no easily metes and bounds of the use of this set of conditions. For example, "access management layer" (purely logical and never defined), "access technology", and "access interface layer", are never properly defined in the claim itself, and lack a basic definitive bounds in light of the specification. Likewise, Applicant does not elaborate, even minimally as to what the intended scope of these limitations intend to describe.

26. Applicant employs broad language which includes the use of words and phrases which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed

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invention. The Examiner notes that Applicant employs terminology which has broad meaning in the art and thus requires a broad interpretation of the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The current claims infer coverage breadth which is inconsistent with breadth of the disclosure and are not found distinguishable above the prior art of record.

27. Broadly, these limitation will be construed to recite that an “access management layer” which is “access technology independent” relates to one or more modules “managing” “access” to the network using some authentication method(s) which operates independently from the “technology” used to “access” the network. For example, a typical user query for a username and associated password without knowing or caring whether the user connected via a wireline point of presence, a wireless modem, a cable modem over a cable television network, etc., meets the first half of this limitation, since the “access management” (username and password validation) is independent from the connection access technology used to access services on the network. Lastly, parallel to the current interpretation, the latter claimed “access interface ‘layer’” was inherently “technology dependent”, since various differing technology mechanisms were required for arbitrary point-to-point connection with a network boundary. That is, if connection to a network was attempted with a wireless modem, wireless access interface functional technology was required to effect connection. Thus, in the broadest reasonable interpretation, these additional limitations recite nothing more than notoriously old security mechanism(s) (username/password=access management layer is access technology independent)

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and inherent connection requirements (compatible point-to-point network connection=access interface layer is access technology dependent).

28. It is presumed that this is NOT what Applicant intended interpretation to be limited to, since it is the only point of novelty asserted by Applicant in the Response. Thus, a holding of vague and indefinite language usage in light of 35 U.S.C. § 112, second paragraph is proper.

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR §1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. §103(c) and potential 35 U.S.C. §102(f) or (g) prior art under 35 U.S.C. §103(a).

31. Claims 1-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jorgensen (U.S. Patent No 6,452,915), hereinafter referred to as Jorgensen, in view of Hanson et al. (U.S. Patent No 6,546,425), hereinafter referred to as Hanson, in view of what would have been obvious to one of ordinary skill in the art at the time of invention.

32. Jorgensen disclosed the invention substantially as claimed. The provision for logically defined "layers" and functional modular elements was fully described in various environments, including but not limited to, wireless gateway access and data processing.

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In regard to claims 1, 46, Jorgensen disclosed:

accessing the network to establish a point of presence at an access management layer and a core portion of the network and to designate a default amount of bandwidth and a plurality of default setup parameters (wireless base station sets up default bandwidth and parameters) [see Jorgensen, Column 3, lines 34-38];

invoking service through (a session) an allied application server on the network to establish an amount of network resources requested by the first user [see Jorgensen, Column 3, Lines 39-47].

distributing a service session management functions among a plurality of components within the IP centric distributed network (gatekeeper) [see Jorgensen, Column 36, Lines 46-67].

access management layer is access technology independent and the access interface layer is access technology dependent [see Jorgensen, inter alia, Column 6, Lines 5-20, and Column 38, Lines 38-41]. Additionally, the provision for managing access of the network and/or network services independently from the type of network connection was inherent in "tunneling" and other security mechanisms in place in typical global and local networks at the time of invention. Lastly, see Jorgensen, Column 78, Lines 9-11, implementing IPsec security features, inherently at the network level, independent from any/all access technology.

33. However, Jorgensen did not expressly disclose establishing a transport session to create and manage a connection from the first user to a destination address. In the same field of wireless communication, Hanson disclosed

establishing a transport session to create and manage a connection from the first user to a destination address [see Hanson, Column 4, Lines 39-49, Column 11, Lines 23-35].

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34. An ordinary artisan in the art at the same time the invention was made, would have been motivated to look to a way to provide more efficient use of available bandwidth through packet switching, since circuit switching allocates bandwidth between communicating nodes whether or not traffic is constantly being transferred between the nodes, thus using communications bandwidth rather inefficiently [see Jorgensen, Column 2, Lines 60-65]. Additionally, an ordinary artisan working with the Jorgensen system would have been motivated to search the related arts for teachings related to wireless connectivity, general terminal mobility concerns, and inherent information flow efficiency (Jorgensen, inter alia, Column 3, Lines 6-61, Column 38), and would have found Hanson suitable for modification of the system thereby providing enhanced information flow to wireless terminals, as well as transparent mobility functionality (Hansen, inter alia, Column 2).

35. Accordingly, it would have been obvious to one of ordinary skill in the wireless communications art at the time the invention was made to have incorporated Jorgensen teachings of IP-flow classification in wireless telecommunications with Hanson's teachings of establishing transport session to create and manage connection, for the purpose of providing a seamless solution transparently addresses the characteristics of nomadic systems, and enables existing network application to run reliably in mobile environments.

36. In regard to claims 2, 9, 3, 5, 10, 26-33, 36-41, 53-55, Jorgensen disclosed:

network service function layer; local service function layer; private; public network, point-to-point protocol (data network in LAN, WAN, Internet, wireless broadband, VPN) [see Jorgensen, Column 28, Lines 52-67, Column 27, Lines 44-67, Column 34, Lines 51-61,

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Column 60, Lines 12-15, Column 79, Lines 35-52, Column 43, Lines 25-27, Column 75, Lines 22-26, Column 76, Lines 39-44].

37. In regard to claims 4, 6, 7, 8, 11, Jorgensen disclosed:

service layers includes an access service function layer; access service function layer accommodates a plurality of technologies used for the first user to communicate to the network; mobility manager [see Jorgensen, Column 3, Lines 34-47].

38. In regard to claims 12-13, 22-23, Jorgensen disclosed:

quality of service parameters and an amount of bandwidth; utilizes a plurality of protocols to deliver a requested quality of service for latency; utilizes a plurality of protocols to deliver a requested bandwidth [see Jorgensen, Column 13, Lines 26-42, Column 67, Lines 14-22].

39. In regard to claims 14, 15, 16-19, 47-52, Hanson disclosed:

an application layer at the first user; sending communications from a network layer at the first user; interface layer of the access layer; converting incoming protocols of incoming communications to a protocol understood by the first user; delivers incoming protocols; a connection management server that can transport communications on a plurality of backbone infrastructures (standard mobile devices, standard network applications, available suite of transport level protocols, RPC) [see Hanson, Column 8, Lines 6-34].

40. In regard to claims 20-21, Jorgensen disclosed:

communications on a point-to-point basis; point to multi-point basis [see Jorgensen, Column 79, Lines 38-39, ABSTRACT].

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41. In regard to claims 24-25, 34-35, 56, Jorgensen disclosed: *deciding policy parameters; enforcing policy parameters; providing subscriber management and policy; decision services are provided* (policy manager, policy based information) [see Jorgensen, Column 77, lines 1-12].

42. In regard to claims 42-45, 57-59, 66-67, 70-75, Jorgensen disclosed:
accounting and billing policies; accounting clients at the application servers; accounting clients at the access management; a storage device to fetch collected data in order to create a customer billable record [see Jorgensen, Column 77, Lines 34-62, Column 63, Lines 40-41, Column 78, Lines 9-20].

43. In regard to claims 60-65, 68-69, the combination inventions of Jorgensen and Hanson disclosed:

core network provides routing functions; provides connection types; provides handling of multimedia sessions and accounting; support for multiple xANs where each xAN is associated with a different technology (execute client software); forwards data sent; mobility management; routes data to the first user via an IP address; supports access to multiple network service layers [see Jorgensen, Column 36, Lines 9-26, Column 36, Lines 65-67, and Hanson, Column 3, Lines 34-67, Column 8, Lines 20-34].

21. In regard to claims 76-78, the combination of Jorgensen and Hanson disclosed:

a network service (WAN) function layer within the wireless network, wherein the network service layer includes:

a policy management server (process, manager, module) [see Jorgensen, Column 77, Line 1];

a service accounting server [see Jorgensen, Column 77, Lines 34-40];

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an authentication, authorization and accounting server [see Jorgensen, Column 77, Lines 31-32];

an unified directory within a directory server (directory enabled networking, LDAP) [see Jorgensen, Column 77, Lines 50-52];

a security gateway [see Jorgensen, Column 78, Lines 9-11];

and a mobility manager [see Hanson, Column 10, Lines 8-12];

a local (LAN) service function layer associated with the network service function layer within the wireless network, wherein the local service function layer includes:

an authentication, authorization and accounting server [see Jorgensen, Column 77, Line 1];

a security gateway [see Jorgensen, Column 78, Lines 9-11];

a policy enforcement server [see Jorgensen, Column 77, Line 1];

a mobility manager [see Hanson, Column 10, Lines 8-12];

a network management server [see Jorgensen, Column 36, Lines 9-19];

and a wireless gateway [see Jorgensen, Column 36, Lines 46-50];

an access management layer associated with the local service function layer, wherein the access management layer includes:

a location tracking server (base station) [see Jorgensen, ABSTRACT];

a connection management server (base station) [see Jorgensen, ABSTRACT];

a plurality of protocol servers (standard network applications) [see Hanson, Column 8, Lines 24-25];

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a RF management server which includes power control, traffic control and channel assignment; [see Jorgensen, Column 38, Lines 31-41];

an access management server includes access, termination and paging (base station) [see Jorgensen, ABSTRACT];

a domain database server which provides a local decision point to expedite service invocation for the first user [see Jorgensen, Column 25, Lines 61-67];

a policy enforcement server [see Jorgensen, Column 77, Line 1];

a network management server [see Jorgensen, ABSTRACT]; and

a resource management server [see Jorgensen, ABSTRACT];

and an access interface layer associated with the access management layer, wherein the access interface layer includes:

a channel management server [see Jorgensen, ABSTRACT];

a policy enforcement server [see Jorgensen, Column 77, Line 1];

an administration and maintenance server [see Jorgensen, ABSTRACT];

and a radio frequency server [see Jorgensen, ABSTRACT, Column 38, Lines 11-19].

44. Since all the claims limitations were either expressly disclosed by the combination of Jorgensen and Hanson, or would have been obvious to one of ordinary skill in the art at the time of invention armed with the teachings of Jorgensen and Hanson, claims 1-4, and 6-78 are rejected.

Response to Arguments

45. The arguments presented by Applicant in the response, Paper #10, received on 3/9/2004, in relation to the claims submitted in Paper #12, received on 4/5/2004, are not considered persuasive.

46. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

47. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

48. Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP § 2111. Applicant employs broad language which includes the use of words and phrases which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed

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invention. The Examiner notes that Applicant employs terminology which has broad meaning in the art and thus requires a broad interpretation of the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant uses broad terms which have broad meaning in the art. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intend broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to clearly, distinctly, and uniquely claim the invention. The current claims infer coverage breadth which is inconsistent with breadth of the disclosure and are not found distinguishable above the prior art of record.

49. The previously asserted Office action, in the detail to which the mappings were provided, demanded attention and response not yet provided by the Applicant. Full faith and credit must be given to the prior Examiner and the position set forth previously, since no evidence or reasoning has been set forth by Applicant to refute the validity of the position. The amendment of subject matter not present in the claims previously may be construed as a partial admission that the art as previously applied was valid; no argument was presented in opposition of that view, and Applicant argues only the newly amended subject matter is discerning. Indeed, the extent of the amendment is minimal, and may raise further issues of clarity, actual points of novelty, and any extent of the difference between the prior art and the claimed invention.

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Conclusion

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc D. Thompson whose telephone number is 703-308-6750.

The examiner can normally be reached on Monday-Friday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, Jr. can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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